

FILED CLERK, U.S. DISTRICT COURT
November 22, 2013
CENTRAL DISTRICT OF CALIFORNIA BY: VM DEPUTY

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA, ) Case No.: 13-~~3300M~~<sup>3000-6</sup>  
12 Plaintiff, ) ORDER OF DETENTION  
13 vs. )  
14 FRANK RUIZ, )  
15 Defendant. )

I.

- 18 A. (X) On motion of the Government [18 U.S.C. § 3142(f)(1)] in a case allegedly  
19 involving:
- 20 1. ( ) a crime of violence.  
21 2. (X) an offense with maximum sentence of life imprisonment or death.  
22 3. (X) a narcotics or controlled substance offense with maximum sentence  
23 of ten or more years.  
24 4. ( ) any felony - where defendant convicted of two or more prior  
25 offenses described above.  
26 5. ( ) any felony that is not otherwise a crime of violence that involves a  
27 minor victim, or possession or use of a firearm or destructive device  
28 or any other dangerous weapon, or a failure to register under  
18 U.S.C. § 2250.

1  
2 B. (X) On motion by the Government/( ) on Court's own motion [18 U.S.C.  
3 § 3142(f)(2)], in a case allegedly involving:

- 4 1. (X) a serious risk that the defendant will flee.  
5 2. ( ) a serious risk that the defendant will:  
6 a. ( ) obstruct or attempt to obstruct justice.  
7 b. ( ) threaten, injure or intimidate a prospective witness or  
8 juror, or attempt to do so.

9 C. The Government (X) is/( ) is not entitled to a rebuttable presumption that no  
10 condition or combination of conditions will reasonably assure the defendant's  
11 appearance as required and the safety of any person or the community.

12  
13 II.

14 A. (X) The Court finds that no condition or combination of conditions will  
15 reasonably assure:  
16 1. ( ) the appearance of the defendant as required.  
17 and/or  
18 2. (X) the safety of any person or the community.

19 B. (X) The Court finds that the defendant has not rebutted by sufficient evidence  
20 to the contrary the presumption provided by statute as to danger to the  
21 community.

22  
23 III.

24 The Court has considered:

- 25 A. the nature and circumstances of the offense(s) charged, including whether the  
26 offense is a crime of violence, a Federal crime of terrorism, or involves a minor  
27 victim or a controlled substance, firearm, explosive, or destructive device;  
28 B. the weight of evidence against the defendant;

- 1 C. the history and characteristics of the defendant; and
  - 2 D. the nature and seriousness of the danger to any person or the community.

IV.

The Court also has considered all the evidence adduced at the hearing and the arguments and/or statements of counsel, and the Pretrial Services Report / recommendation.

V.

10 The Court bases the foregoing finding(s) on the following:

- 11 A. ( ) As to flight risk:

12 ( ) Lack of bail resources

13 ( ) Prior failures to appear / violations of probation/parole

14 ( ) No stable residence or employment

15 ( ) Ties to foreign countries / financial ability to flee

19 B. (X) As to danger:

- 20                   ( X ) Nature of prior criminal convictions and prison term  
21                   ( X ) Allegations in present indictment / complaint  
22                   ( ) Drug / alcohol use  
23                   ( ) In custody for state offense  
24                   ammunition recovered from Defendant's vehicle at time of arrest

1 VI.

- 2 A. ( ) The Court finds that a serious risk exists the defendant will:
- 3     1. ( ) obstruct or attempt to obstruct justice.
- 4     2. ( ) attempt to/ ( ) threaten, injure or intimidate a witness or juror.
- 5 B. The Court bases the foregoing finding(s) on the following:

6 \_\_\_\_\_  
7 \_\_\_\_\_  
8 \_\_\_\_\_

9 VII.

- 10 A. IT IS THEREFORE ORDERED that the defendant be detained prior to trial.
- 11 B. IT IS FURTHER ORDERED that the defendant be committed to the custody of  
12 the Attorney General for confinement in a corrections facility separate, to the  
13 extent practicable, from persons awaiting or serving sentences or being held in  
14 custody pending appeal.
- 15 C. IT IS FURTHER ORDERED that the defendant be afforded reasonable  
16 opportunity for private consultation with counsel.
- 17 D. IT IS FURTHER ORDERED that, on order of a Court of the United States or on  
18 request of any attorney for the Government, the person in charge of the  
19 corrections facility in which defendant is confined deliver the defendant to a  
20 United States marshal for the purpose of an appearance in connection with a court  
21 proceeding.

22  
23 DATED: November 22, 2013



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24 HON. MICHAEL R. WILNER  
25 UNITED STATES MAGISTRATE JUDGE  
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